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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/701,559	02/05/2001	Mark John Riches	03042.0060	8942	
759	90 07/26/2002				
Finnegan Henderson Farabow			EXAMINER		
Garrett & Dunner 1300 I Street NW			LUU, THANH X		
Washington, DC	20005		ART UNIT	PAPER NUMBER	
•			2878		
			DATE MAILED: 07/26/2002	DATE MAILED: 07/26/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application			X				
## Deficies Action Summary ## Thanh X Luu ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ## MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ## MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## The process of time may be available under the provisions of 37 CPR 1.155(b). In no event, however, may a reply be timely filled the provision of 37 CPR 1.155(b). In no event, however, may a reply be timely filled the provision of the provision of 37 CPR 1.155(b). In no event, however, may a reply be timely filled described on the provision of		Application No.	Applicant(s)				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) / 33 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a)-(to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	<u></u>						
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal					

Application/Control Number: 09/701,559

Art Unit: 2878

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-15, drawn to an optical device with a plurality of gatable portions.

Group II, claim(s) 16-23, drawn to a waveguide.

Group III, claim(s) 24-29, drawn to a method of manufacturing the waveguide.

Group IV, claim(s) 30-33, drawn to an electro-optic device having a plurality of gatable portions and a waveguide.

- 2. The inventions listed as Groups I, II, III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups IV and Groups I and II are related as combination/subcombination. Further, the invention of Group I does not require the waveguide as claimed in Group II. Lastly, in the inventions of Groups II and IV any method of manufacturing the waveguide is possible.
- 3. A telephone call was made to Ernest Chapman on July 24, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Art Unit: 2878

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached on (703) 308-4881. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl July 24, 2002 Thanh X. Luu '
Patent Examiner

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